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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,926	01/30/2001	Robert Raymond Sealey	95-454	9079

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EXAMINER

PHAN, JOSEPH T

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 01/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/771,926

Applicant(s)

SEALEY ET AL.

Examiner

Joseph T Phan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 3, 13, 14, 20, and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "plug-in" in claims 2-4 13-15, and 20-22 and "mu-law" in claims 2, 13, and 20 are relative terms which renders the claim indefinite. The terms "plug-in" and "mu-law" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 6, 8, 12, 17-19, and 24-25 rejected under 35 U.S.C. 102(e) as being anticipated by Tverskoy et al., Patent #6,341,160.

Regarding claims 1, 12, and 19 Tverskoy teaches a means, method, and computer readable medium in a user computer for sending a voice message, the message comprising:
recording a voice message based on encoding parameters recognized by a voice messaging system (col.4 line 62-col.5 line9 or col.6 lines 47-59);
storing the voice message within a data file having a selectable Multipurpose Internet Mail Extension (MIME) type recognizable by the voice messaging system as a voice message (col.5 lines 1-13); and
outputting the data file using a prescribed messaging protocol for transfer to a destination voice mailbox accessible by the voice messaging system for a corresponding voice messaging subscriber(col.5 lines 24-61; user's email inbox is a voice mailbox).

Regarding claims 6, 17, and 24, Tverskoy teaches the method, means, and medium of claims 1, 12, and 21 wherein the outputting step includes outputting the data file using an executable e-mail client configured for sending the data file using a prescribed e-mail protocol as the prescribed messaging protocol (col.5 lines 1-14).

Regarding claims 7, 18, and 25, Tverskoy teaches the method, means, and medium of claims 6, 17, and 24 wherein the outputting step includes outputting the data file to the destination voice mailbox according to one of SMTP protocol and IMAP

protocol (col.5 lines 24-30).

Regarding claim 8, Tverskoy teaches a user computer comprising:
a recorder configured for recording a voice message input by a user according to selected encoding parameters recognized by a voice messaging system (32 Fig.1 and col.6 lines 48-59), the recorder configured for storing the voice message as a data file having a selectable MIME type recognizable by the voice messaging system as a voice message (col.5 lines 6-14; and
an e-mail client configured for sending the data file to a destination voice mailbox, using a prescribed messaging protocol, enabling access by the voice messaging system for a corresponding voice messaging subscriber (col.6 lines 48-59).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-5, 9-11, 13-16, and 20-23 rejected under 35 U.S.C. 103(a) as being unpatentable over Tverskoy in view of Luzeski et al., Patent #6,301,245.

Regarding claims 2-3, 9-10, 13-14, and 20-21, Tverskoy discloses the method, means, user computer, and computer readable medium of claims 1, 8, 12, and 19 and using an executable browser

Tverskoy does not expressly disclose wherein the recording step includes

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encoding the voice message using mu-law encoding at an encoding rate of 8 kHz according to any one of G.711, G.729, and GSM encoding protocols.

Luzeski discloses encoding a voice message discloses wherein the recording step includes encoding the voice message using mu-law encoding at an encoding rate of 8 kHz according to any one of G.711, G.729, and GSM encoding protocols (appendix of col.24 lines 41-48)

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to encode voice messages at a rate of 8 kHz according to G.711 protocols.

One of ordinary skill in the art would have been motivated to do this as encoding voice messages from analog to digital format is necessary and encoding at 8 kHz according to G.711 protocol is a standard rate and protocol to use among a variety of other choices dependent on the design requirement of the system.

Regarding claims 4, 15, and 22, Tverskoy teaches the method, means, and medium of claims 3, 14, and 21 wherein the storing step includes generating a MIME extension recognizable by the voice messaging system and based on the one encoding protocol utilized by the executable browser plug-in resource (col.5 lines 1-14).

Regarding claims 5, 16, and 23, Tverskoy teaches the method, means, and medium of claims 3, 14, and 21 further comprising reviewing the voice message by the executable browser plug-in resource prior to the outputting step (*col.6 lines 48-59; it is known that the user can review the voice message when it is stored and before it is*

sent).

Regarding claim 11, Tverskoy teaches the user computer of claim 9, wherein the recorder selects the MIME type for the data file based on the one encoding protocol used to encode the voice message (col.5 lines 6-14).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T Phan whose telephone number is 703-305-3206. The examiner can normally be reached on M-TH 8:30-6:30, in every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

JTP
January 13, 2003

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

